

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP SMITH, *et al.*,

Defendants.

Case No. 2:11-cr-00058-JAD-CWH

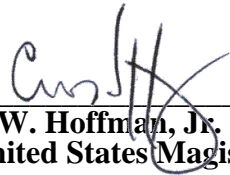
ORDER

This matter is before the Court on Defendant Phillip Smith's ("defendant") Motion for Disclosure of Prior Statements Made by Government Witnesses (doc. # 189), filed January 12, 2015, and the government's opposition (doc. # 194), filed January 30, 2015. Defendant did not file a reply.

Defendant moves the Court to order the government to: (1) make all prior statements of government witnesses available to defendant two weeks before trial; (2) produce any statement of a government witness during trial for defendant's review, following the government's direct exam of that witness, and; (3) allow defendant a short recess to prepare for cross-examination of that witness, and to recall that witness as appropriate. The government, in opposition, asks this Court to deny defendant's motion as moot because the government contends: (1) it is fully aware of its responsibilities under the Jencks Act and 18 U.S.C. § 3500; (2) has already provided defendant with Jencks materials, including grand jury testimony; (3) it will immediately provide any other witness statements if it discovers such statements have not yet been provided; and (4) it will timely provide any other trial witness statements if any such statements are generated. Based on the foregoing, this Court finds that the government appears to be well aware of its duties and responsibilities, and has been diligent in complying with the Jencks Act and 18 U.S.C. § 3500.

1 Accordingly, **IT IS HEREBY ORDERED** that defendant's Motion for Disclosure of Prior
2 Statements Made by Government Witnesses (doc. # 189) is **denied as moot**.

3 DATED: February 9, 2015

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6 **C.W. Hoffman, Jr.**
7 **United States Magistrate Judge**